

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

2015 SEP 10 P 1:13
JON W. SANFILIPPO
CLERK

Luke Her _____)
_____)
_____)
_____)
_____)
_____)
(Full Name of Plaintiff or Plaintiffs) _____)
vs _____)
Nature's Way _____)
_____)
_____)
_____)
_____)
(Full Name of Defendant or Defendants) _____)

Case No. 15-C-1107
(Supplied by Clerk)

COMPLAINT

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court relating to the same occurrence involved in this action?

☐ YES ☒ NO

B. Have you begun other lawsuits in state or federal court?

☐ YES ☒ NO

C. If your answer to A or B was YES, provide the requested information below. If there is more than one lawsuit, describe each additional one on a separate sheet of paper, using the same outline.

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court in which lawsuit brought (if federal court, name district; if state court, name the county)

3. Docket number 846-2015-28378 ^{LH}
4. Current status (for example: Was the case dismissed? Was it appealed? Is it still pending)?
Dismissed
5. Approximate date of filing lawsuit 8/15/2015
6. Approximate date of disposition 8/26/2015

II. PARTIES

- A. Your name (PLAINTIFF) Luke Her
- B. Your Address and Phone Number 2986 Finger Rd. Green Bay, WI 54311, 920-366-1999

(If there is more than one plaintiff, use the margin for extra space if you need it. List the address only if it is different from the address listed above).

- C. DEFENDANT (name) Nature's Way
- D. Defendants address 825 Challenger Dr, Green Bay, WI 54311
- E. Additional DEFENDANTS (names and addresses) _____

III. STATEMENT OF CLAIM (follow instructions carefully)

State briefly as possible the *essential facts* of your case. Tell what each defendant did to you that caused you to file this suit against them. If you are complaining about more than one wrong, use a separate **numbered** paragraph for each wrong, and describe each wrong in that paragraph and only that paragraph. State only the facts. *Do not give any legal theories or arguments, do not cite any cases or statutes. Do not feel you have to use all the space.* USE NO MORE THAN THE SPACE PROVIDED. THE COURT STRONGLY DISAPPROVES OF STATING CLAIMS OUTSIDE THE SPACE PROVIDED.

Begin statement of claim: _____

On April 17, 2015 I received a written warning by not informing my direct supervisor Chris Fredrick of multiple minor irritations I had to enzymes and irritants. I was denied a transfer after having my third severe irritation to enzymes and severe irritants in the manufacturing department. The packaging department supervisors who interviewed me for the transfer was Marcus, the current second shift supervisor, and Nate, the former second shift supervisor, who was promoted. After the interview they spoke separately with my first shift manufacturing supervisor, Chris Fredrick, about what he thought about me transferring to the packaging department. Marcus and Connie Heise (Human Resource Representative) told me that my exposure to enzymes and severe irritants would be higher in the packaging department. In addition, they said that I work better alone and at my own pace and if I apply for any jobs in the future make sure that they are not team-based or work on hard deadlines. I emailed this information to Lynn Green, the onsite nurse, and Susan Hill, the safety director. It was to their understanding that I was required to be transferred to a different department because anymore exposure would make me more sensitive to enzymes and severe irritants. In contrast, my superiors decided to keep me in the manufacturing department and try to find ways to lessen my exposure. Because of my denial, I filed a complaint to OSHA and the EEOC.

STATEMENT OF CLAIM-ContinuedThis image shows a full page of blank, lined paper. It features approximately 20 evenly spaced horizontal black lines across its entire width, typical of notebook or legal stationery. The paper is otherwise completely empty, with no margins, text, or other markings.

STATEMENT OF CLAIM-Continued[illegible]

IV. RELIEF YOU REQUEST

State exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. DO NOT USE THIS SPACE TO STATE THE FACTS OF YOUR CLAIM. USE IT ONLY TO REQUEST REMEDIES FOR THE INJURIES YOU COMPLAIN ABOUT. Use only the space provided. The court strongly disapproves of requesting remedies outside the space provided.

I would like my superiors to write me a letter of apology for denying me of my transfer because of my race and disability.

I would like Nature's Way to clear my record of any disciplinary actions that dealt with this incident. If I find any future

job opportunities within or outside of Natures Way, I would like a recommendation letter from the Vice President of the

company Bill Griesbach, who oversaw the incident and let it come to this point. I would like to be fully compensated

for being emotionally stressed and humiliated by my superiors and coworkers when going through this. I was switched

to a different shift which didn't fit my lifestyle outside of work. The company didn't allow me into the manufacturing

department or the break room with my fellow coworkers. Instead, I was told to go on break alone in the office break

room which was at 1 a.m..

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 8th day of September, 2015.



(Signature of Plaintiff(s))